

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

UNITED STATES OF AMERICA

*

Appellee

*

Appeal No. 12-3035

vs.

*

WELDON GORDON,

*

Appellant.

*

**CONSENT MOTION OF THE APPELLANT TO SUSPEND THE
CURRENT BRIEFING SCHEDULE PENDING THE RESOLUTION
OF HIS 28 U.S.C. § 2255 MOTION IN THE DISTRICT COURT**

Comes now the defendant, by and through counsel, and hereby moves this Court for an order suspending the briefing schedule in this matter. In support of this motion, the defendant avers as follows:

1. By order dated July 10, 2013, the Court issued a briefing schedule in this matter based upon the final transcript status report of counsel for Appellant.
2. Since that time, undersigned counsel has been able to review the case transcripts, trial and otherwise, and it is apparent that a substantial basis for the appeal in this case rests upon perceived and apparent violations of the 6th Amendment right to counsel, right to conflict free counsel and effective assistance of counsel.
3. The defendant is also mindful of the fact that it is inappropriate to request that this Court address these issues in the first instance and that they should be

addressed first by the district court in a motion filed pursuant to 28 U.S.C. §2255. Such a motion has been filed and is currently pending in the district court. Accordingly, it appears that prior to the district court ruling on the pending motion, appellate review by this Court would be premature and a possible waste of judicial resources.

4. Before filing this motion, undersigned counsel contacted counsel of record for the government who advised that they consented to the relief requested herein.

Wherefore for the reasons stated herein and in the record of this proceeding, the Appellant requests that the briefing schedule in this matter be suspended pending resolution of the 28 U.S.C. § 2255 motion currently pending before the district court. Upon resolution of the motion, the Court shall be immediately advised of the ruling of the district court and whether appellate review is still necessary.

Respectfully submitted,

/s/ Gregory L. Lattimer
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served electronically via the Court's ECF system on this 9th day of September, 2013 to:

Elizabeth Trosman, Esq
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/ s/ Gregory L. Lattimer
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